

Minimum Criteria For Career  
Prosecutor Programs In  
Commonwealth's Attorneys' Offices

June R. Funkhouser  
Compensation Board  
September 1, 1997

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Amended  
May 1, 2002

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Authority

Virginia Acts of Assembly - 1997 Session  
Chapter 924

Title 2.1, Chapter 35.2,  
Articles 1 through 6, Code of Virginia

Item 74, Paragraph G:

“The Compensation Board, with the assistance of the Commonwealth’s Attorney’ Services Council (CASC), shall develop criteria for the establishment of a Career Prosecutor Program. Such criteria shall include the selection process, minimum length of service, job performance, continuing legal education, removal process and any other criteria deemed relevant by the Compensation Board. The Compensation Board shall provide its recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 1997.”

### Executive Summary

The 1997 General Assembly directed the Compensation Board in cooperation with the Commonwealth's Attorneys Services Council to develop a ~~career Prosecutor plan (CPB)~~ *Career Development Plan (CDP)* for Assistant Commonwealth's Attorneys. A task force comprised of Compensation Board staff and Commonwealth's Attorneys was formed to develop the criteria for participation in the plan and to determine costs for the plan. The recommended plan sets the following criteria for participation in the ~~career Prosecutor program~~ *Career Development Program*: the Commonwealth's Attorney must have an employee evaluation program established, the applicant must have at least three years of experience as an assistant commonwealth's attorney in the Commonwealth of Virginia, the two most recent performance reviews must have been above average and no performance objective in the last two review periods should be below average, no public disciplinary action should have occurred from the Virginia State Bar within the last three years, the assistant should have no more than one written reprimand from the Commonwealth's Attorney within the two years prior to selection, and the assistant must complete a minimum of 40 hours of additional educational requirements above the Mandatory Continuing Legal Education credits that ~~is~~ *are* currently required.

Upon certification by the Commonwealth's Attorney that all criteria have been met ~~in~~ for the ~~CPB CDP~~ adopted by the Commonwealth's Attorney, the Commonwealth's Attorney would reclassify eligible ~~Assistant~~ *assistant* Commonwealth's Attorney I positions (grade 13) to the Career Prosecutor level (grade 15). The task force also developed a model plan for the Commonwealth's Attorneys.

If the General Assembly wishes to make the ~~CPB CDP~~ available to all 194 ~~Assistant~~ *assistant* Commonwealth's Attorney I (grade 13) positions, the estimated salary and fringe benefits costs necessary to provide a two grade salary increase is \$1,355,478 each year. If the General Assembly wishes to make the ~~CPB CDP~~ available to 50% of the ~~Assistant~~ *assistant* Commonwealth's Attorneys (grade 13) positions (115 positions), the estimated salary and fringe benefits costs necessary to provide a two grade salary increase is \$803,505 each year. (The criteria recommended for less than 100% eligibility is a minimum of one per office, rounded up to the next full position). If the General Assembly wishes to make the ~~CPB CDP~~ available to 20% of the ~~Assistant~~ *assistant* Commonwealth's Attorneys (grade 13) positions (72 positions), the estimated salary and fringe benefits costs necessary to provide a two grade salary increase is \$503,064 each year.

*The 2002 General Assembly approved budget reductions impacting Constitutional Officers. Implementation of this budget reduction by the Compensation Board includes a reduction of funding available for the Career Development Program. The 69 positions funded, as Career Prosecutor's as of May 1, 2002, will remain funded; additional Career Prosecutor pay raises will require action by the Commonwealth's Attorney to request funding for the raise prior to July 1 of each year, and will require General Assembly approval. If approved by the General Assembly, the pay raise will become effective the following July 1.*

### Study Definition and Participants

In defining the scope of the study, the Compensation Board limited the application of the Career Prosecutor Program to ~~Assistant~~ *assistant* Commonwealth's Attorney I positions not allowed to engage in the private practice of law. The Compensation Board also developed a procedure by which Commonwealth's Attorneys could certify their participation in a Career Prosecutor Program, which met the Compensation Board's minimum criteria. Further, the Compensation Board developed a model plan for use by the Commonwealth's Attorneys.

#### Study Participants:

Bruce W. Haynes, Executive Secretary  
James W. Matthews, Assistant Executive Secretary  
Charlene M. Rollins, Management Analyst  
Stephanie D. Davis, Management Analyst  
William G. Petty, Commonwealth's Attorney, Lynchburg City  
Richard Trodden, Commonwealth's Attorney, Arlington County  
Linda Curtis, Commonwealth's Attorney, Hampton City



Compensation Board Minimum Criteria  
for Career Prosecutor Programs  
in Commonwealth's Attorneys' Offices

**Policy:**

It is the policy of the Compensation Board to establish a Career Prosecutor pay grade, and minimum criteria for career Prosecutor programs in Commonwealth's Attorneys offices.

**Purpose:**

The purpose of this policy is to encourage professionalism in Commonwealth's Attorneys' offices by improving personal skills, knowledge, and abilities of grade 13 assistants in order to meet department objectives, and to reduce assistant turnover.

**Procedures:**

The Career Prosecutor *Development* Program (CPB CDP) for grade 13 assistant ~~commonwealth's attorneys~~ *Commonwealth's Attorneys* in Commonwealth's Attorneys' offices shall incorporate the following criteria:

**Employee Evaluation Plan**

- The Commonwealth's Attorney's office must have an employee evaluation plan currently in effect that meets the minimum criteria established by the Compensation Board for such plans (Appendix C).

**Selection Process**

- A Career Prosecutor Board (CPB) may be established to make recommendations to the Commonwealth's Attorney regarding selection.
- The Commonwealth's Attorney makes the final decision regarding selection.

**Minimum Length of Service**

- The minimum length of service necessary to be considered for selection is three years as an assistant ~~commonwealth's attorney~~ *Commonwealth's Attorney* in the Commonwealth of Virginia.

**Job Performance**

- Job performance is a ~~criteria~~ *criterion* for competitive selection.
- The two most recent performance reviews must have been above average.
- The assistant shall not be considered for selection if any job performance objective in the two most recent rating periods has been noted below average or below satisfactory performance.
- The assistant shall not have any public disciplinary action imposed by the Virginia State Bar within the three years immediately preceding application for selection.
- The assistant shall have no more serious disciplinary action than one written reprimand from the Commonwealth's Attorney within the two years immediately preceding application for selection.

### **Formal Education**

- The assistant must have completed a minimum of 40 hours of specialized training in addition to the required MCLE credits required by the Virginia State Bar within the 3 years preceding selection. The training should be designed to enhance the assistant's career as a Career Prosecutor and must be other than those required by law or regulations as minimum training requirements. The course work must be approved by the Commonwealth's Attorney. The Commonwealth's Attorney must establish additional educational requirements above the minimum Virginia State Bar requirements to maintain Career Prosecutor status.

### **Removal**

- The *CPB CDP* must include criteria for the removal of assistants from the *CPB CDP* who do not maintain prescribed minimum standards as set by the Commonwealth's Attorney.

### **Equal Opportunity Statement**

- The *CPB CDP* must include a statement that the Career Prosecutor opportunities are available to all grade 13 assistants, and that selection will be made regardless of race, religion, gender, national origin or political affiliation of assistants.

### **Availability of *CPB CDP***

- The *CPB CDP* document in its entirety must be available to all assistants in the office.

### **Statement of Purpose**

- The *CPB CDP* document must contain a statement that the purpose of the *CPB CDP* is to encourage professionalism in the office by improving personal skills, knowledge, and abilities of grade 13 assistants in order to meet department objectives, and to reduce assistant turnover.

### **Employment Status of Assistants**

- The document must contain the following statement verbatim:

"Notwithstanding anything to the contrary contained in this program, nothing herein is intended nor should be construed to contradict or diminish the power and authority of the Commonwealth's Attorney with respect to his/her appointees. All assistant Commonwealth's Attorneys are, and shall remain, appointees of the Commonwealth's Attorney and shall not be considered or construed as employees of either the Commonwealth's Attorney or the (Name of Locality). Neither the creation nor the operation of this program shall confer on any assistant Commonwealth's Attorney any grievance rights, and no assistant Commonwealth's Attorney shall have the right to be represented by counsel when appearing before any administrators of this program in connection with the operation of this program."



**Additional Compensation**

- The Commonwealth's Attorney must certify his/her understanding that Grade 13 ~~Assistants~~ *assistants* may receive additional compensation reimbursed by the Compensation Board as a result of being selected for the CPB and that additional compensation shall not exceed an 8-step (18.62%) increase in salary and reclassification shall be CPII at Grade 15.
- *The 69 positions funded, as Career Prosecutor's, as of May 1, 2002, will remain funded; additional Career Prosecutor pay raises will require action by the Commonwealth Attorney to request funding for the raise prior to July 1 of each year and will require General Assembly approval. If approved by the General Assembly, the pay raise will become effective the following July 1.*

**Effective dates:**

This policy and procedures are effective January 28, 1999 *(and amended May 1, 2002)*, and shall remain in effect unless further amended by the Compensation Board.

**Authority:**

This policy and procedures have been adopted by the Compensation Board in accordance with §15.2-1636.6, et seq., Code of Virginia, and Chapter 464, Item 73, 1998 Acts of Assembly.

**Approval:**

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June R. Funkhouser, Chairman

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Date



Certification of Career Prosecutor Program  
(~~Effective July 1, 2002~~) (Effective May 1, 2002)

\_\_\_\_\_  
Commonwealth's Attorney

\_\_\_\_\_  
Locality

The Career ~~Prosecutor~~ *Development* Plan for grade 13 assistants currently in effect for this office incorporates the following criteria:

- Certification of participation in an employee evaluation plan meeting the minimum criteria established by the Compensation Board;
- Competitive selection process in which the Commonwealth's Attorney makes the final decision regarding selection;
- Minimum length of service requirement of three years as an ~~Assistant~~ *assistant* Commonwealth's Attorney in Virginia;
- Job performance including two evaluations which meet above average ratings, and no Virginia State Bar disciplinary action in the past three years;
- Additional education requirements of forty hours above the minimum Virginia State Bar MCLE credits in the last three years preceding selection, and educational requirements above minimum Virginia State Bar MCLE requirements have been established to maintain career prosecutor status;
- A procedure for the removal of assistants from the ~~CPB CDP~~ for inadequate job performance, disciplinary action, a Virginia State Bar disciplinary action, or failure to maintain minimum additional educational requirements;
- Equal opportunity for all assistants;
- Statement of Purpose;
- Scope of the Plan;
- Understanding of employment status as an assistant Commonwealth's Attorney;
- Additional Compensation.

This is to certify that the career Prosecutor plan in this office meets the minimum criteria for such plans as established by the Compensation Board. . *I understand that funding to provide a salary increase associated with the selection as Career Prosecutor is contingent upon the approval of additional funding by the General Assembly.*

*The following grade 13 assistant(s) in this office is/are expected to meet all criteria for selection as Career Prosecutor on the date(s) shown:*

<u>Name of Incumbent</u>	<u>Position #</u>	<u>Anticipated Date of Selection</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

\_\_\_\_\_  
Signature of Commonwealth's Attorney

\_\_\_\_\_  
Date

Appendix

Model  
Career Prosecutor Plan

**Policy:**

The \_\_\_\_\_ County/City Commonwealth's Attorney's office subscribes to the concept of the Career Prosecutor Program for Attorney I positions, as classified by the Compensation Board, and the minimum criteria as set forth in this plan and prescribed in Items \_\_\_\_\_, Chapter \_\_\_\_\_, Acts of Assembly and the Compensation Board's minimum criteria for career prosecutor programs, dated \_\_\_\_\_.

**Purpose:**

The overall purpose of this program is to encourage professionalism in Commonwealth's Attorneys' offices by improving personal skills, knowledge and abilities of assistant ~~commonwealth's attorneys~~ *Commonwealth's Attorneys* in order meet department objectives and reduce turnover.

The purpose of this plan is to provide each ~~Assistant~~ *assistant* Commonwealth's Attorney with the eligibility criteria for the career prosecutor program.

**Scope:**

The Career ~~Prosecutor~~ Development Plan is a recognition and incentive program based upon individual accomplishments and maintenance of specific criteria. Selection in the ~~CPB~~ *CDP* is not to be considered a promotion in rank. All ~~Assistant~~ *assistant* Commonwealth's Attorneys selected to participate in the ~~CPB~~ *CDP* shall be subject to current agency policies and procedures and any amendments to established policies. This policy may be amended by the Commonwealth's Attorney at any time. All financial incentives are subject to approved funding.

**Procedures:**

A. Employee Evaluation Program

The Commonwealth's Attorney must certify to the Compensation Board that an employee evaluation program has been adopted which meets the minimum criteria for such programs as approved by the Compensation Board.

The employee evaluation program used in this office incorporates the following:

1. A detailed job description is maintained for each permanent employee, which provides the elements for the evaluation of the employee's performance.
2. Each employee's performance plan identifies and prioritizes job elements based upon the employee's job description, states expectations for the acceptable level of performance for each job element, and addresses the extent to which external factors impact the employee's ability to perform the job. Factors, which are not related to the job, such as race, sex, religion, level of salary or physical condition, are not considered in the evaluation process.
3. The performance plan and evaluation expectations are discussed by the employee and his/her immediate supervisor at the beginning of the performance cycle and in at least one interview every twelve months. These meetings address ways to improve performance, note areas of improvement already achieved, and provide a forum for discussion of goals, expectations, and factors affecting performance.
4. Both the employee and the employee's immediate supervisor sign the performance plan and the evaluation; copies are made available to the employee and the originals are maintained in the employee's permanent personnel file.

5. The Commonwealth's Attorney certifies each year to the Compensation Board through the on-line budget process that the employee evaluation plan does meet the minimum specifications for such plans.

B. Certification of Career Prosecutor Development Program

The Commonwealth's Attorney has certified to the Compensation Board that the program in place meets the minimum criteria for such plans as approved by the Compensation Board.

C. Selection Process

The Commonwealth's Attorney makes the final decision in the selection process of the career prosecutor position. The Commonwealth's Attorney shall be responsible for reviewing a candidate's qualifications for entering the ~~career Prosecutor plan~~ *Career Development Program*.

D. Eligibility Criteria

**To be considered for the Career ~~Prosecutor Plan~~ Development Program you must:**

- √ Have had at least three years of continuous service as an ~~Assistant~~ *assistant* Commonwealth's Attorney in a locality in the Commonwealth of Virginia.
- √ Have had two consecutive employee evaluations in which you were rated above average overall and did not receive a below average on any specific performance objective.
- √ Have not had any Virginia State Bar disciplinary action within the last three years preceding selection into the ~~career Prosecutor program~~ *Career Development Program*.
- √ Have not had more than one written reprimand from the Commonwealth's Attorney within the two years immediately preceding selection.
- √ Have completed at least 40 additional formal educational hours in addition to the Virginia State Bar minimum MCLE courses in subjects or topics approved by the Commonwealth's Attorney.

Classes which meet requirements include (TBD):

E. Appointment

Once the Commonwealth's Attorney has determined that the ~~Assistant~~ *assistant* Commonwealth's Attorney has met all eligibility requirements, the Commonwealth's Attorney may reclassify the attorney to the career prosecutor status.

Reclassification of the Assistant Commonwealth's Attorney (ATTI) to the Career Prosecutor II (CPII) will be based on the officer's request for the reclassification. Certification of the program does not automatically reclassify the position(s) and must be requested through the SNIP program via the Personnel Status Change Screen. Effective dates for the reclassification should be determined by the Commonwealth's Attorney.

F. Removal

Selection as a Career Prosecutor is not permanent. An assistant admitted into the ~~CPB~~ *CDP* shall be responsible for maintaining all stated minimum performance criteria in order to retain his/her ~~CPB~~ *CDP Career Prosecutor* status.

**Removal from the ~~CPB~~ *CDP* may result from the following:**

- √ Received employee evaluations in which you were rated average or did not meet expectations overall and/or received a below average on any specific performance objective.
- √ Have been subject to any Virginia State Bar disciplinary action during your participation in the career Prosecutor program.
- √ Have received one written reprimand from the Commonwealth's Attorney during your participation in the career Prosecutor program.
- √ Did not complete the educational requirements necessary to maintain the career prosecutor status as set by the Commonwealth's Attorney.

Upon removal from the ~~career Prosecutor plan~~ *Career Development Program*, the assistant ~~commonwealth's attorney~~ *Commonwealth's Attorney's* salary and classification will revert back to an ~~Assistant~~ *assistant* Commonwealth's Attorney (ATTI), grade 13, with the appropriate decrease in salary, not to exceed a ~~4-step~~ *an 8-step* decrease or last step of the grade, whichever is greater.

G. Compensation

The Compensation Board shall provide for a CPII pay grade, equivalent to an assistant commonwealth's attorney II, grade 15, ATTII. Additional compensation shall not exceed an 8-step increase in salary or the first step of the higher grade, whichever is greater.

*Funding to provide additional compensation is contingent upon request by the officer, with approval of the Governor and the General Assembly in the budget process.*

H. Equal Opportunity Statement

The \_\_\_\_\_ county/city Commonwealth's Attorney's office certifies that ~~career~~ Career Prosecutor opportunities are available to all grade 13 assistant ~~commonwealth's attorneys~~ Commonwealth's Attorneys. Selection into the ~~CPB CDP~~ will be made without regard to race, religion, gender, national origin or political affiliation of assistants who chose to apply.

I. Employment Status of Assistant Commonwealth's Attorneys

Notwithstanding anything to the contrary contained in this program, nothing herein is intended nor should be construed to contradict or diminish the power and authority of the Commonwealth's Attorney with respect to his/her appointees. All assistant Commonwealth's Attorneys are, and shall remain, appointees of the Commonwealth's Attorney and shall not be considered or construed as employees of either the Commonwealth's Attorney or the (Name of Locality). Neither the creation nor the operation of this program shall confer on any assistant Commonwealth's Attorney any grievance rights, and no assistant Commonwealth's Attorney shall have the right to be represented by counsel when appearing before any administrators of this program in connection with the operation of this program.

J. Availability

This plan shall be made available to all employees of this office. This plan shall be located in an area accessible to all employees.

K. Funding

*In order to obtain funding for additional Career Prosecutor pay raises, subsequent to May 1, 2002, the Commonwealth's Attorney must request prior to July 1, and then the Compensation Board will seek the requisite additional funding in the budget process. If approved by the Governor and the General Assembly, pay raises will be available on July 1 of the year after the Commonwealth Attorneys makes the funding request to the Compensation Board.*

**Effective Date:**

**This plan shall be effective \_\_\_\_\_, and shall remain in effect unless amended by the Commonwealth's Attorney**

**Authority:**

**This plan has been adopted by the Commonwealth's Attorneys office in accordance with the Compensation Board's policy for minimum criteria for ~~career Prosecutor plans~~ Career Development Programs.**

**Approved:**

\_\_\_\_\_  
Signature of Commonwealth's Attorney

\_\_\_\_\_  
Date

**CERTIFICATION OF EMPLOYEE PERFORMANCE EVALUATION PLAN**



TO: **Compensation Board**

FROM: \_\_\_\_\_  
**Officer / Locality**

The employee performance evaluation plan currently in effect for this office, adopted on \_\_\_\_\_, incorporates all of the  
(date)  
following features:

1. **JOB DESCRIPTION**

A detailed job description is maintained for each permanent employee, which provides the elements for evaluation on the employee's performance plan.

2. **WRITTEN PERFORMANCE PLAN**

Each employee's performance plan identifies and prioritizes job elements based upon the employee's job description, states expectations for the acceptable level of performance for each job element, and addresses the extent to which external factors impact the employee's ability to perform the job. Factors, which are not related to the job, such as race, sex, religion, level of salary or physical condition, are not considered in the evaluation process.

3. **PERFORMANCE EVALUATION AND INTERVIEW WITH EMPLOYEE**

The performance plan and evaluation expectations are discussed by the employee and his/her immediate supervisor at the beginning of the performance cycle and in at least one interview every 12 months. These meetings address ways to improve performance, note areas of improvement already achieved, and provide a forum for discussion of goals, expectations, and factors affecting performance.

4. **SIGNATURES OF EMPLOYEE AND IMMEDIATE SUPERVISOR**

Both the employee and the employee's immediate supervisor sign the performance plan and the evaluation; copies are made available to the employee and the originals are maintained in the employee's permanent personnel file.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Frequently Asked Questions  
Career Prosecutor Program

1. Who is eligible?

Incumbents in Compensation Board reimbursed permanent Assistant Commonwealth's Attorney I (ATTI) and Juvenile Assistant Commonwealth's Attorney I (JATTI) positions.

2. Are locally funded positions eligible?

No.

3. Are part-time assistants (JATTA & ATTA) positions eligible?

No.

4. How about my other assistants?

No; the program was developed and submitted to the General Assembly in 1998 for only the entry-level ATTI and JATTI assistants. Funding was provided in 1998 and again in 1999 for only those positions.

5. What are the minimum criteria that I must include in my plan?

The minimum criteria are:

- The Commonwealth's Attorney's office must have an employee performance evaluation plan currently in effect that meets the minimum criteria established by the Compensation Board for such plans.
- Individuals selected must have a minimum of three years service as an Assistant Commonwealth's Attorney in Virginia; their two most recent performance evaluations must be above average, with no individual performance objective being rated below average; they may not have any public disciplinary action imposed by the Virginia State Bar in the past three years; no more than one written reprimand from the Commonwealth's Attorney in the two years preceding selection; and they must complete at least 40 hours of specialized training in addition to the required MCLE credits within three years preceding selection.

6. Can the Commonwealth's Attorney require more than 40 hours of additional training?

Yes.

7. What is the first step in the process?

If you do not have an employee performance evaluation plan, you need to adopt one. Then, adopt a Career Development Plan that meets Compensation Board criteria. Next, send the certification form (NOT your plan) to the Compensation Board ~~BEFORE December 1, 1999~~ *prior to July 1 of any year for an effective date of the following July 1. Include on the form the anticipated dates that assistant attorney I positions in your office will meet the criteria for the program and become eligible for reclassification and the associated salary increase..*

8. Why before ~~December 1, 1999~~ *July 1 of any year?*

~~*Because that's what the law requires for funding of reclassifications and related salary increases for incumbents in FY00.*~~

In order to fund career prosecutor pay raises after May 1, 2002, the Commonwealth's Attorney will need to request funding, and the Compensation Board will need to prepare a budget request for approval by the Governor and General Assembly. In order to process this request, it must be received by July 1 for an effective date of funding for the following July 1.

9. Is there a model plan available?

Yes; it ~~was mailed to you by the Compensation Board on January 29, 1999~~ is available to you on our web site in the Compensation Board Forms section.

10. I would like to require that assistants have three years of service in my office, and 60 hours of additional education. Is that permissible?

Yes, because those requirements EXCEED the minimums set by the Compensation Board.

11. After I complete my plan and send the certification to the Compensation Board by ~~December 1, 1999~~ July 1, how do I get my assistant reclassified?

Fill out CB Form 10-CP and send it to the Compensation Board. The form ~~will be~~ is in the ~~FY00- Compensation Board Operating Manual~~ located in the forms section of the Compensation Board's website.

12. I do not have any Assistant Commonwealth's Attorney I positions eligible until next year. Should I adopt the plan now?

~~Yes, because continued funding of the plan by the Department of Planning and Budget will be dependent upon the total number of offices, which have plans, certified. If the Compensation Board submits a funding request for Career Prosecutors in all full time offices next year, and only 25 have actually certified a plan, it is highly likely that only those which had certified will be funded in future years, as was the case with the Sheriffs' Master Deputy plan.~~

Yes, because funding for your participation in the plan must be requested through the budget process and approved by the General Assembly. Funding, if approved will not be available for at least one year following the date of your request.

13. What is the salary increase for assistants that are selected as Career Prosecutors?

19.5%; they go from a grade 13 on the Compensation Board scale to a grade 15.

14. Does the Attorney I reclassified Career Prosecutor become an Attorney II?

No. The position becomes Career Prosecutor, grade 15 (or, Juvenile Career Prosecutor).

15. When the incumbent Career Prosecutor resigns, is the position an Attorney II, Career Prosecutor or Attorney I?

Attorney I. It was always *classified as* an Attorney I position. The incumbent of the position was a Career Prosecutor, paid at the Grade 15 level.

16. I have an employee performance evaluation plan; I have adopted a Career Development Plan that meets Compensation Board criteria; and I have an assistant eligible for selection. What do I do next?

~~Send in the certification form (only) to the Compensation Board, and a completed Compensation Board Form 10-CP. On December 1, 1999, the eligible assistant's Compensation Board salary will be increased by 19.5%, and their classification will change to Career Prosecutor.~~

Send in the certification form (only) to the Compensation Board prior to July 1. The Compensation Board will request funding for your office's participation in the upcoming budget cycle. If approved, funding will be available for the reclassification and salary increase on the following July 1. At that time, you will need to submit a completed Compensation Board Form 10-CP to reclassify the assistant eligible for selection and provide the salary increase of 19.5%.

17. Will the assistant whose salary is increased 19.5%, ~~December 1, 1999 prior to~~ as a result of being classified as career prosecutor ~~effective December 1, 1999~~ also get ~~the 6.25% increase~~ any state pay increases effective December 1, *if approved by the General Assembly*, in addition to the 19.5%?

Yes.

18. *How do I get funding for my assistant attorney's who qualify for the CDP after July 1 of each fiscal year?*

*In order to obtain funding for additional Career Prosecutor pay raises, subsequent to May 1, 2002 the Compensation Board will seek the requisite additional funding in the budget process. If approved by the Governor and the General Assembly, pay raises will be available one year after the Commonwealth Attorney makes the funding request to the Compensation Board.*